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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/542,632

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Bryan J. Moles

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EXAMINER

YUN, EUGENE

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 08/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/542,632

Applicant(s)

MOLES ET AL.

Examiner

Eugene Yun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the margins are not acceptable in Fig. 2.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, 5-7, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (US 6,223,028).

Referring to Claim 1, Chang teaches a wireless network comprising a plurality of base stations 12a-12n (fig. 1), each of said base stations capable of communicating with a plurality of mobile stations 13a-13e (fig. 1), a service provisioning system 15 (fig. 1) capable of provisioning a first one of said plurality of mobile stations comprising:

a database capable of storing a service provisioning file comprising a mobile station service provisioning program in interpreted byte-code format (see col. 4, lines 34-39 and Table 1); and

a provisioning controller 16 (fig. 1) coupled to said database capable of receiving a notification indicating that first mobile station is unprovisioned and further capable (see col. 2, lines 61-64), in response to receipt of said notification, of retrieving said service provisioning file from said database and transmitting said service provisioning file to said first mobile station (see col. 7, lines 65-67), wherein receipt of said service provisioning file is capable of causing said mobile station to execute said mobile station service provisioning program in said service provisioning file (see col. 8, lines 1-9).

Referring to Claim 6, Chang teaches a mobile station 13a-13e (fig. 1) capable of being provisioned from a wireless network by an over-the-air (OTA) service provisioning process (see ABSTRACT), said mobile station comprising:

an RF transceiver 12a-12n (fig. 1) capable of receiving and demodulating forward channel messages from said wireless network and further capable of modulating and transmitting reverse channel messages to said wireless network; and

a main controller 16 (fig. 1) capable of receiving said demodulated forward channel messages from said RF transceiver and extracting therefrom a service

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provisioning file containing a mobile station service provisioning program in interpreted byte-code format (see col. 4, lines 34-39 and Table 1), wherein said main controller, in response to receipt of said service provisioning file, is capable of interpreting and executing said mobile station service provisioning program (see col. 8, lines 1-9).

Referring to Claim 11, Chang teaches a wireless network comprising a plurality of base stations 12a-12n (fig. 1), each of said base stations capable of communicating with a plurality of mobile stations 13a-13e (fig. 1), a method of provisioning a first one of the plurality of mobile stations comprising the steps of:

storing in a database a service provisioning file comprising a mobile station service provisioning program in interpreted byte-code format (see col. 4, lines 34-39 and Table 1); and

determining whether the first mobile station is provisioned (see col. 2, lines 57-61);

in response to a determination that the mobile station is unprovisioned, retrieving the service provisioning file from said database (see col. 2, lines 61-67);

transmitting the service provisioning file to the first mobile station (see col. 7, lines 65-67), wherein receipt of the service provisioning file causes the mobile station to execute the mobile station service provisioning program in the service provisioning file (see col. 8, lines 1-9).

Referring to Claims 2, 7, and 12, Chang also teaches provisioning data used to configure the first mobile station to communicate with the wireless network (see col. 4, lines 53-67).

Referring to Claim 5, Chang also teaches a security apparatus capable of determining that said first mobile station is unprovisioned and, in response to said determination, generating and transmitting said notification to said provisioning controller (according to what is stated in col. 2, lines 54-64, a response from the mobile station is what determines the unprovisioned state in said mobile station).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 16, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Vucetic et al. (US 5,819,177).

Referring to Claim 16, Chang teaches a method of performing an over-the-air (OTA) service provisioning of a mobile station from a wireless network (see ABSTRACT) comprising the steps of:

receiving and demodulating forward channel messages from the wireless network (see 12a-12n in fig. 1);

extracting from the demodulated forward channel messages a service provisioning file containing a mobile station service provisioning program in interpreted byte-code format (see col. 4, lines 34-39 and Table 1); and

interpreting and executing said mobile station service provisioning program (see col. 8, lines 1-9).

Chang does not teach said mobile station service provisioning program comprising a graphical user interface (GUI) program capable of interacting with a user of the mobile station during the OTA service provisioning process. Vucetic teaches said mobile station service provisioning program comprising a graphical user interface (GUI) program capable of interacting with a user of the mobile station during the OTA service provisioning process (see col. 7, lines 59-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Vucetic to said method of Chang in order to better ensure proper provisioning of said mobile station.

Referring to Claim 17, Chang also teaches provisioning data used to configure the first mobile station to communicate with the wireless network (see col. 4, lines 53-67).

Referring to Claim 10, Chang does not teach said mobile station service provisioning program comprising a graphical user interface (GUI) program capable of interacting with a user of the mobile station during the OTA service provisioning process. Vucetic teaches said mobile station service provisioning program comprising a graphical user interface (GUI) program capable of interacting with a user of the mobile station during the OTA service provisioning process (see col. 7, lines 59-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to provide the teachings of Vucetic to said method of Chang in order to better ensure proper provisioning of said mobile station.

Referring to Claim 20, Vucetic also teaches deleting the service provisioning file from a memory in the mobile station at an end of the service provisioning process (see col. 7, lines 1-4).

6. Claims 3, 4, 8, 9, 13-15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang and Vucetic in view of Weber et al. (US 6,314,282).

Referring to Claim 3 and 8, Chang does not teach a stale code generated by said provisioning controller. Weber teaches a stale code generated by said provisioning controller, said stale code indicating a time duration since said service provisioning file was transmitted to said first mobile station (see col. 9, lines 37-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Weber to said network of Chang in order to reduce error in the mobile station provisioning process.

Referring to Claims 4 and 9, Weber also teaches said mobile station transmitting said stale code back to said provisioning controller and wherein said provisioning controller prevents said first mobile station from being provisioned if said time duration exceeds a predetermined maximum threshold (see col. 9, lines 40-43).

Referring to Claims 13 and 18, the combination of Chang and Vucetic does not teach generating a stale code and transmitting the stale code to the first mobile station, the stale code indicating a time at which the service provisioning file was transmitted to



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the first mobile station. Weber teaches generating a stale code and transmitting the stale code to the first mobile station, the stale code indicating a time at which the service provisioning file was transmitted to the first mobile station (see col. 9, lines 54-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Weber to said network of Chang in order to reduce error in the mobile station provisioning process.

Referring to Claims 14 and 19, Weber also teaches receiving from the mobile station a copy of the stale code transmitted back to the wireless network and determining a time duration since the service provisioning file was transmitted to the first mobile station (see col. 9, lines 37-40 and lines 50-53).

Referring to Claim 15, Weber also teaches determining if the time duration exceeds a predetermined maximum threshold and preventing the first mobile station from being provisioned if the time duration exceeds the predetermined maximum threshold (see col. 9, lines 40-43).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun  
Examiner  
Art Unit 2683

EY  
July 23, 2002



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
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